

Message Text

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ACTION L-03

INFO OCT-01 EUR-25 ISO-00 EB-11 SCS-03 SCA-01 CIAE-00

INR-10 NSAE-00 RSC-01 SAM-01 DRC-01 /057 W

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R 161035Z FEB 74

FM AMEMBASSY BRUSSELS

TO SECSTATE WASHDC 9928

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STATE FOR L/EUR - MR. RUSSELL

E.O.11652: N/A

TAGS: CPRS, BGEN, BE

SUBJECT: AMERICAN LAWYERS IN BRUSSELS CONTINUE TO HAVE DIFFICULTIES

REF: BRUSSELS 0861

1. SUMMARY: THE AMBASSADOR CALLED ON MINISTER OF THE MIDDLE CLASSES OLIVIER ON FEBRUARY 11 TO EXPAIN OUR CONCERN OVER RECENT COMMUNICATIONS SENT TO AMERICAN ATTORNEYS. THE MINISTER REVEALED COMPLETE IGNORANCE OF MINISTER TINDEMANS' WITHDRAWAL OF RESTRICTIONS PREVIOUSLY IMPOSED AND PROMISED TO LOOK INTO THEMATTER. HE ALSO EXPRESSED WILLINGNESS TO MEET WITH REPRESENTATIVES OF THE ATTORNEYS AND SEE WHETHER THE PROBLEM COULD NOT BE AMICABLY RESOLVED. ON FEBRUARY 14, WE ALSO EXPLAINED OUR CONCERNS TO THE CHANCELLERY OF THE FOREIGN MINISTRY AND RECEIVED A PROMISE THAT THE FONMIN WOULD SEEK TO HAVE THE MINISTRY OF THE MIDDLE CLASSES BE MORE ACCOMMODATING. END OF SUMMARY.

2. AMBASSADOR CALLED ON MINISTER OF MIDDLE CLASSES OLIVIER FEBRUARY 11 TO EXPRESS CONCERN OVER THE RECENT LETTERS ADDRESSED TO AMERICAN ATTORNEYS SETTING FORTH RESTRICTIONS ON THEIR ACTIVITIES. AMBASSADOR RECALLED TO THE MINISTER THAT WE HAD BEEN THROUGH THIS MATTER SOME TWO TO THREE YEARS AGO AT WHICH TIME THE THEN MINISTER TINDEMANS ISSUED A LETTER WITHDRAWING RESTRICTIONS WHICH HAD BEEN IMPOSED (BRUSSELS T-2069, JUNE, 1972). THE AMBASSADOR REFERRED

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SPECIFICALLY TO THE ACQUIRED RIGHTS OF THE LAWYERS AND TO THE IMPOSS-

IBILITY OF THEIR CONTINUING BUSINESS ON THE TERMS SET FORTH IN THE MOST RECENT LETTERS ADDRESSED TO THEM.

3. THE MINISTER EXPAINED THAT THE LETTERS HAD BEEN MOTIVATED BY A COCKTAIL PARTY GIVEN BY ONE OF THE ATTORNEYS, MR.CHARLES A. DILLEY, INTRODUCING A NEW COLLEAGUE (MR. SCOTT CUSTER). THE MINISTER SAID THAT

MR. DILLEY HAD EVEN ADDRESSED AN INVITATION TO THE BATONIER OF THE BRUSSELS BAR, WHO CAME TO THE MINISTER TO COMPLAIN THAT THIS EVENT WAS THE KIND OF PUBLICITY WHICH WAS FORBIDDEN TO ATTORNEYS

4. AMBASSADOR RESPONDED THAT HE WAS NOT AWARE THAT RECEPTIONS GIVEN BY ATTORNEYS WERE IMPROPER BUT EVEN IF THEY ARE, IT SEEMED UNJUST TO PUNISH ALL OF THE ATTORNEYS FOR WHAT ONE PARTICULAR ATTORNEY

HAD DONE. HE REFERRED TO MINISTER TINDEMANS' WRITTEN COMMUNICATIONS TO THE ATTORNEYS RETURNING THEM TO THE STATUS WHICH EXISTED IN LATE 1971 THEREBY VOIDING THE EFFORTS OF TINDEMANS' PREDECESSOR TO IMPOSE NEW LIMITS ON THE ATTORNEYS' ACTIVITIES. AMBASSADOR EXPLAINED THAT WE HAD UNDERSTOOD THAT AT THAT TIME THE STATUS WOULD NOT BE CHANGED UNTIL A MUTUALLY AGREEABLE SOLUTION COULD BE FOUND. HE ALSO SAID THAT OLIVIER'S IMMEDIATE PREDECESSOR HANNOTTE HAD SAID THERE WOULD BE NO ACTION UNTIL THE EC REACHED A COMMON POLICY ON FOREIGN ATTORNEYS FOR THE ENTIRE COMMUNITY.

5. THE MINISTER SAID HE HAD NEVER HEARD OF THE TINDEMANS' LETTER. HE HAD HOPED TO BE ABLE TO RESOLVE THIS MATTER IN A MANNER ACCEPTABLE TO BOTH SIDES AND WONDERED WHY THE AMERICAN ATTORNEYS HAD NOT SOUGHT TO BE ADMITTED TO THE BRUSSELS BAR. HE CITED PROVISIONS OF THE CIVIL CODE UNDER WHICH FOREIGNERS COULD BE ADMITTED TO THE BAR BY EXCEPTIONS GRANTED BY ROYAL DECREE SUBJECT TO ADVICE OF THE BELGIAN BAR AS A WHOLE. WE REMINDED THE MINISTER THAT WE WERE TOLD BY HIS MINISTRY TWO OR THREE YEARS AGO THAT THIS APPROACH TO A SOLUTION WAS QUITE IMPOSSIBLE. (WE HAVE SINCE LEARNED THAT DILLEY, WHO HAS A BELGIAN LAW DEGREE, ACTUALLY SUBMITTED HIS APPLICATION TO THE BAR SOMETIME AGO AND THE BAR HAS NEVER TAKEN ANY ACTION ON HIS REQUEST). THE AMBASSADOR SUGGESTED THAT IT MIGHT BE USEFUL FOR THE MINISTER TO PERSONALLY TALK TO ONE OR MORE LIMITED OFFICIAL USE

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OF THE AMERICAN ATTORNEYS. THE MINISTER AGREED TO THIS APPROACH AND WE ARE ARRANGING A MEETING WITH THE MINISTER WITH THE ATTORNEY REPRESENTATIVES. WE UNDERTOOK TO SEND HIM A COPY OF THE TINDEMANS' LETTERS FROM 1972 SINCE THE MINISTER APPEARED UNABLE TO LOCATE IT IN HIS FILES.

6. ECON/COMMERCIAL COUNSELOR ON FEBRUARY 14 CALLED ON FOURDIN, HEAD OF THE FOREIGN MINISTRY CHANCELLERY, AND EXPLAINED THE PROBLEM

AND ITS RELATION TO THE FEN TREATY. FOURDIN, HIMSELF A LAWYER, EXPRESSED CONSIDERABLE DOUBTS AS TO THE LEGALITY UNDER BELGIAN LAW OF SEVERAL OF THE RESTRICTIONS IMPOSED BY THE MINISTRY OF THE MIDDLE CLASSES. FURTHERMORE, HE QUESTIONED THE PROPRIETY OF SENDING OUT THE LETTERS "FOR NO APPARENT REASON". THIRDLY, HE QUESTIONED THE DESIREABILITY OF BELGIUM HARASSING AMERICAN LAWYERS WHILE IT WAS AT THE SAME TIME SEEKING AMERICAN INVESTMENT.

7. FOURDIN PROMISED TO HAVE HIS STAFF RAISE THE MATTER WITH THE MINISTRY OF THE MIDDLE CLASSES AND WOULD TRY TO LET US HAVE A STATUS REPORT BY FEBRUARY 21. STRAUSS-HUPE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 16 FEB 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974BRUSSE01027
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: BRUSSELS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740227/aaaaazbd.tel
Line Count: 126
Locator: TEXT ON-LINE
Office: ACTION L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: BRUSSELS 0861
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 01 APR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <01 APR 2002 by elyme>; APPROVED <03 JUN 2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: AMERICAN LAWYERS IN BRUSSELS CONTINUE TO HAVE DIFFICULTIES
TAGS: CPRS, BGEN, BE
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005